

1 STATE OF MICHIGAN

2 IN THE CIRCUIT COURT FOR THE COUNTY OF IONIA

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4
5 CERES FARMS, LLC, an)
Indiana limited liability)
6 company, and FARMLAND)
CAPITAL SOLUTIONS, LLC,)
7 an Indiana limited)
liability company,)
8)

9 Plaintiffs,)

10 vs.)

11 NEW HEIGHTS FARM I, LLC, a)
Michigan limited liability)
company, and NEW HEIGHTS)
12 FARM II, LLC, a Michigan)
limited liability company,)
13)

14 Defendants.)
15)
16)

CASE NO. 21-K-34902-CB

HON. SUZANNE HOSETH-KREEGER

17 The Virtual Deposition of ANDY POTTER, taken
18 before me, Patricia J. Hankerd, CSR-5430, Notary
19 Public for the County of Jackson, on Thursday,
20 February 10, 2022, via ZOOM, commencing at or about
21 1:30 p.m.
22
23
24
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CERES FARMS vs NEW HEIGHTS FARM I
POTTER, ANDY 02/10/2022

Job 17516
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NICK BOERSON

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(EXHIBITS ATTACHED TO TRANSCRIPT.)

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1 A. That was the e-mail or the -- I guess what was told
2 back to me. But when I was there, I said, Hey, let's
3 get everything and put everything together instead of
4 just leaving one county out.

5 Q. Okay.

6 A. It just cleans up the paperwork on my end, I guess,
7 because then I don't have questions of why am I
8 leaving this county out when this claim gets turned
9 in.

10 Q. All right. Ballpark how many -- how many claims were
11 you handling for 2019, do you recall, as an
12 adjuster?

13 A. I could ballpark it at like 75 throughout the season.
14 It might have been a little more than that, but a good
15 load of it was in the spring for all of the preventive
16 plant. And then all of those would have been worked
17 and done by the summer, and then we would have started
18 again in the fall. And I think I had, like I say, 75,
19 80 claims. Somewhere thereabouts for the year.

20 Q. How does the size of New Heights Farm I and II's
21 operation of about 9,000 acres each, how does that
22 compare to the other farms that you were working
23 claims for?

24 A. So out of everything, they were by far the largest.
25 But if you -- I mean, I don't know. I looked at it

1 as you -- you break it down by the individual
2 counties. And if you do it by individual counties,
3 then you just keep on that mentality of, you know,
4 this county, this production goes here. And you just
5 start laying it all out and breaking it all out by
6 county. I mean, the largest farm in the world a guy
7 could work it as long as the records all -- you know,
8 you could lay it out and you have a system that you
9 can work to keep keying in and make sense of it.

10 Q. Okay. Well, I guess the point I was just asking is:
11 By acre, the farming operation of New Heights Farm was
12 by far larger than the other farms you were adjusting
13 claims for; is that right?

14 A. Correct.

15 Q. And then in terms of the geographic area of the spread
16 from Ottawa County down to Van Buren somewhere in
17 Southern Michigan over to Hillsdale, geographically
18 it's by far the most spread out of any of the farms
19 you were adjusting, correct?

20 A. Correct.

21 Q. And by nature of that, they would be selling grain to
22 more different elevators than what your typical claim
23 would be that you were adjusting?

24 A. Yes. I guess you could say that. I mean, you could
25 say that -- I mean, they are making economical sense

1 background.

2 So were we, you know, turned loose on our own
3 faster than other people? Yes. But, I mean, my
4 speculation would be Great American and our supervisor
5 knew that we knew the -- the information and we knew
6 farming and we -- we could do the job that needed to
7 be done.

8 Q. When you say we, who are you talking about? You
9 and --

10 A. Yeah. I mean, me Chris Spitzley. I mean, they hired
11 in 2019 like six new adjusters if I remember right.
12 It might be a little bit more. But there were --
13 Chris Spitzley and I both came from long lines of
14 farming background, and we -- we can talk the farming.
15 You know, we understood what we needed to do. We were
16 efficient on getting our work done, and -- and they
17 let us do what we needed to do.

18 Q. So, in other words, there really wasn't any actual
19 training. They just hired you and figured you knew
20 how to do it and sent you out to do it?

21 A. No. There was -- we had to do so many hours of
22 training. But -- and we completed the hours that we
23 needed. But also there are some people that they ride
24 along a lot longer because they do not pick up on
25 things and they're -- they're not as confident going

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CERTIFICATE OF NOTARY

I, Patricia J. Hankerd, certify that this deposition was taken before me on the date hereinbefore set forth; and that the foregoing questions and answers were recorded by me stenographically; that said transcription is a true and accurate transcript of the proceedings had and testimony taken.

Before completion of the deposition, review of the transcript (X) was requested. If requested, any changes made by the deponent (and provided to reporter) during the period allowed are appended hereto.

I further certify that I am not interested in the outcome of the action.

Patricia J. Hankerd

Patricia J. Hankerd, CSR 5430

My Commission Expires: December 27, 2022